

United States District Court
Eastern District of Wisconsin

Brown v. City of Milwaukee
18 CV 922



Video Deposition of
Terrence Gordon - Rule 30(b)(6)
Recorded 05/09/2019 in Milwaukee, WI
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Witness

Terrence Gordon - Rule 30(b)(6)

Thursday 05/09/2019 at 1:30 by: Jeff Joseph

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A P P E A R A N C E S

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On behalf of the Plaintiff

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On behalf of the Defendants

1 A My understanding of the appendices is that they simply
2 provide additional information if a reader was looking
3 for information in addition to what's in the findings
4 and recommendations.

5 Q Page 146, there's a sentence in the middle of that
6 last paragraph, "The racial and ethnic identity of the
7 individuals against whom force was used are presented
8 in figure B6. The data suggests that MPD uses force
9 against African-American individuals at higher rates
10 than would be expected given the relative distribution
11 of racial and ethnic groups within the city, but equal
12 to the arrest rate for African-Americans." Did you
13 see that?

14 A Yes.

15 Q To what extent has there been discussion as part of
16 this reform process of that fact?

17 MS. GEHLING: Object. Vague.

18 A The Community Collaborative Committee is very
19 interested in that data and other data like it. And
20 again, this -- these assessors are bringing
21 philosophical arguments to this report. And I'm not
22 saying that's incorrect. I'm just stating that as a
23 context for discussion. The statement that the -- the
24 statement that "MPD uses force against African-
25 American individuals at higher rates than would be

1 expected" is unnecessarily inflammatory, because the
2 rates that will be expected will be tied to arrest
3 rates and not census data. And then they go on to
4 say, because they know what they're doing, they go on
5 to say that the use of force is equal -- it's higher
6 than expected given the population, which is census
7 data, but equal to the arrest rate. Uses of force
8 necessarily and historically track with arrest rates.
9 Uses of force are highly correlated with arrests. And
10 what they're saying is that our uses of force are
11 correlated with arrests in the same sentence that
12 they're saying that it's higher than it would be
13 expected. It's inconsistent and it's a poor analysis.
14 BY MR. THOMSEN:

15 Q So in terms of my city's analysis of it, are there any
16 concerns that their use of force against African-
17 Americans is in fact somehow unfair or biased? Is
18 that a real concern?

19 A The concern is that enforcement activity not be
20 biased. The concern from the department's perspective
21 is not that enforcement activity is biased. The city
22 -- the city can't factually conclude that our uses of
23 force are based on race. No one can.

24 Q I don't understand. What do you mean, "No one can"?

25 A I have never seen an analysis or a reliable conclusion

1 as opposed to just doing something, which may not
2 change anything.

3 (Flagged question)

4 Q And we will -- when we come back with individual, I'll
5 ask you what strategies we should be employing. Okay?
6 I want you to write that -- I want to make sure --

7 MR. THOMSEN: Flag that question so I make
8 sure I don't forget it, please? Would you bring
9 that up to the front?

10 THE REPORTER: Sure.

11 BY MR. THOMSEN:

12 Q Page 180, it says, "After assessing who is stopped by
13 the police, it is important to examine what happens
14 after traffic stops occur, specifically data analysis
15 focus on any racial and ethnic variation post traffic
16 stop outcomes." Has the city ever done that type of
17 analysis?

18 A That data is currently being collected so that
19 analysis can be performed.

20 Q So prior to the Sterling Brown incident, the data had
21 never been gathered to do that kind of analysis,
22 correct?

23 A The data was always there. But analysis, if analysis
24 is done, it's done in the context of a particular
25 strategy or a particular question. It had not been --

1 it had not been assessed in the manner presented here
2 as something that should be done all the time until
3 currently.

4 Q We'll save that for -- it seems that's beyond the
5 scope of -- the current is beyond the scope of the
6 Collaborative Reform at issue today. Naomi agrees,
7 so.

8 Could we go to page 236? There is a
9 recommendation as it relates to citizen complaints and
10 the utilization of a police auditor. Had the city
11 considered that recommendation and/or implemented
12 that?

13 A Can you direct me to...

14 Q If you look right in the middle, "The MPD complaint
15 process should involve a third party in the process
16 such as an independent monitor or police auditor." I
17 tried to sort of shorten it rather than reading the
18 whole thing.

19 A The Fire and Police Commission has recently hired an
20 auditor. This person is relatively new, but I do know
21 that they have an auditor who should be -- who has the
22 capacity to do this. We also have auditors on our own
23 department who also have the capacity to do what's in
24 this paragraph.

25 Q So the question, is there a reason why this wasn't in